

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHARLES McKNIGHT

Plaintiff,

v.

**ILLINOIS CENTRAL RAILROAD
COMPANY, a corporation,**

Defendant.

Case No. 09-cv-201-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's Motion for Additional Time to File a Responsive Pleading to Defendant's Motion to Transfer (Doc. 28). Plaintiff's Response to this Motion to Transfer is due on or about June 12, 2009. However, Plaintiff seeks an additional sixty (60) days to file his response, claiming that Defendant produced over 1,300 pages of "initial" discovery just a few days ago, which Plaintiff's counsel still needs to review. Further, the Motion states that depositions or other discovery have yet taken place and Plaintiff's counsel is currently away from the office on other business and will not be available until June 17, 2009.

Defendant opposes Plaintiff's Motion, pointing out in its Response (Doc. 29) that Plaintiff has previously been granted an additional thirty days to respond to the Motion to Transfer, yet Plaintiff has never served his initial disclosures nor has

he served Defendant with discovery requests. Defendant believes that discovery should not be allowed to be completed before the Motion to Transfer is determined, as the transfer should be considered prior to the completion of discovery. However, Defendant would not object to an additional fourteen days' extension to accommodate the fact that Plaintiff's counsel is currently away from the office.

In light of the Parties' various arguments, the Court hereby **GRANTS IN PART AND DENIES IN PART** Plaintiff's Motion for Additional Time (Doc. 28) in that Plaintiff shall file his Response to Defendant's Motion to Transfer by **July 13, 2009**.

IT IS SO ORDERED.

Signed this 12th day of June, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court